

2008 Hazardous Waste Annual Update

LSA Document #08-673

Overview

This rule adopts three changes to the hazardous waste management program that were published by the U.S. Environmental Protection Agency between January 2 and June 4, 2008. This rule would also repeal the current delisting provisions in 329 IAC 3.1-6-7 that are more stringent than the amended F019 listing published by EPA on June 4, 2008.

Citations Affected

329 IAC 3.1-1-7; 329 IAC 3.1-6-7

Affected Persons

Petroleum refineries that process oil-bearing secondary materials in a gasification system for production of synthetic gas; hazardous waste combustors; generators of F019 wastewater treatment plant sludges from the manufacturing of motor vehicles.

Reasons for the Rule

This rule makes Indiana's hazardous waste program consistent with the current federal hazardous waste program and makes these regulatory reduction provisions available to regulated entities as soon as possible.

Economic Impact of the Rule

The net economic impact of this rule is estimated to be a cost savings to regulated entities in Indiana. While those savings cannot be quantified at this time they are estimated to be less than \$500,000 annually.

Benefits of the Rule

This rule will make Indiana's hazardous waste program as consistent as possible with the federal hazardous waste program.

Description of the Rulemaking Project

This rule would make Indiana's hazardous waste program as consistent as possible with the federal hazardous waste program. The first rule provides for environmentally sound recycling of oil-bearing hazardous secondary materials. The second rule clarifies and corrects existing rules for hazardous waste combustors. The third rule amends the F019 hazardous waste listing to exclude wastewater treatment sludges from automotive manufacturing that have been found to be non-hazardous. This rule also repeals the F019 delisting rule for General Motors Fort Wayne Assembly Plant that is more stringent than the provisions adopted in this rule.

Scheduled Hearings

First Public Hearing: November 18, 2008

Second Public Hearing: March 17, 2009

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
(A) human, plant, animal, or aquatic life; or
(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney and the Governor. If approved, the rule becomes effective 30 days after filing with the Publisher of the *Indiana Register*.

Federal Changes Adopted in This Rule:

This rulemaking incorporates the following amendments to the federal hazardous waste management regulations at 40 CFR 260 through 40 CFR 273, published in the Federal Register from January 2 through June 4, 2008:

Federal Register	Publication Date	Subject
73 FR 57	January 2, 2008	Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System To Produce Synthesis Gas <u>Summary:</u> This rule amends an existing exclusion to the definition of solid waste that applies to oil-bearing hazardous secondary materials generated at a petroleum refinery when these materials are recycled by inserting them back into the petroleum refining process and certain other conditions are met. The exclusion allows these materials to be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery. This rule adds "gasification" to the list of already recognized petroleum refinery processes and adds a definition for the term "gasification."
73 FR 18790	April 8, 2008	NESHAP: National Emissions Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments <u>Summary:</u> This rule finalizes amendments to the October 12, 2005 rule - National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (Checklist 212). It clarifies compliance monitoring provisions and corrects typographical errors and omissions.
73 FR 31756	June 4, 2008	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019 <u>Summary:</u> This rule amends the F019 listing to exempt the wastewater treatment sludge generated from zinc phosphating processes used in automobile assembly, provided the wastes are not placed outside on the land prior to shipment to a landfill for disposal and the waste is disposed in a landfill unit subject to certain liner requirements. Wastes that meet these conditions will be exempted from the listing from their point of generation, and will not be subject to any RCRA Subtitle C management requirements for generation, storage, transport, treatment, or disposal. Generators will be required to maintain records on site to show that the waste meets to conditions of the listing.